

REMARKS/ARGUMENTS

In an effort to expedite prosecution, Applicants hereby cancel claims 5-11, 16-20, 39-42 and 44-45. Applicants propose to amend claim 1, the basis for which can be found in the now cancelled claims 8 and 11. Claims 12-14 are amended for consistency, while the withdrawn claims 43, 46 and 47 are also amended to only depend on claim 38, a claim belonging to the elected restriction group.

Claim 1 has been amended such that the reporter is now a fluorescent protein reporter (based on claim 11). Claim 1 is further amended to specify that the modified cytochrome C protein is derived from wild type cytochrome C represented by SEQ ID NO: 2. Furthermore, the modifications claimed are those “amino acid substitution selected from the group consisting of K73A, K73L, K73R, K73G and K73X, wherein X represents trimethylation.”

The basis for the recitation of “the amino acid substitution selected from the group consisting of K73A, K73L, K73R, K73G and K73X, wherein X represents trimethylation” can be found in claim 8, which states “the amino acid substitution selected from the group consisting of K72A, K72L, K72R, K72G and K72X, wherein X represents trimethylation.”

Applicants submit that claim 8 refers to the K72 position, which is according to the convention of the field (see Kluck et al., J. Biol. Chem., (2000), 275, 16127-16133; Yu et al., J.Biol.Chem., (2001), 276, 1304-13038; both cited in the background section, on page 4 of the specification). This is because the vertebrate mature Cytochrome C

protein removes the N-terminal methionine and starts with acetyl glycine (the second amino acid sequence in the open reading frame) at position number 1 (Kluck et al., right column of 16127).

Applicants further submit that since the amended claim 1 now refers to SEQ ID NO: 2, which is the full Cytochrome protein before cleavage of the initiation methionine, position K72 in claim 8 have been modified to K73 in claim 1, in reference to the correct position in view of SEQ ID NO: 2. No new matter has been added.

Applicants respectfully request that Examiner enter the proposed amendment.

Applicants assert that the claims are in allowable form and earnestly solicit the allowance of claims 1-4, 12-15 and 21-38.

Early and favorable consideration is respectfully requested.

Respectfully submitted,
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